

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

James Ingerson, :  
Petitioner, :  
: :  
v. : File No. 2:08-CV-121  
: :  
Robert Hofmann, :  
Respondent. :  
:

ORDER

The Report and Recommendation of the United States Magistrate Judge was filed November 12, 2008. After careful review of the file and the Magistrate Judge's Report and Recommendation, no objections having been filed by any party, this Court ADOPTS the Magistrate Judge's recommendations in full for the reasons stated in the Report.

The respondent's motion to dismiss (Paper 10) is **DENIED** and that the following briefing schedule is ordered. The respondent has 30 days from the date of this order to argue for dismissal. Petitioner has 30 days in which to reply. To the extent that petitioner raises new arguments in his reply, the respondent should be allowed to file additional memorandum, addressing only those new arguments, within 10 days of the date the reply is served.

Dated at Burlington, in the District of Vermont, this 4th  
day of December, 2008.

/s/ William K. Sessions III  
William K. Sessions III  
Chief Judge, U. S. District Court